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ABSTRACT

In this paper, the Kentucky Commisssion on Human Rights outlines ways in which housing-related institutions and agencies can revise their policies and procedures to reverse the trend towards housing segregation. Recommendations are made to the city and county with regard to how Section 8 housing assistance programs can be used to promote desegregation. The need for and possible implementation of a measuring standard to use in the location of new housing is described. The necessity for Federal leadership and the responsibility of lending institutions is explained. Kentucky Housing Corporation policy is criticized and an appeal is made to business, industry, citizen, and real estate groups to adopt policies which will further and facilitate housing desegregation. It is implied that if local real estate groups do not cooperate voluntarily, the Commission may find it necessary to take court action towards the housing desegregation problem. (HI)

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FAIR HOUSING: A BETTER ANSWER THAN BUSING
A PLAN FOR LOUISVILLE AND JEFFERSON COUNTY

The Louisville and Jefferson County community has an unusual opportunity to decrease housing segregation and thereby lessen the need for future transportation of students to achieve school desegregation.

A broad-based community effort to desegregate housing can be particularly effective at this time because of the new incentives for "desegregated moves" provided to families with children by the provisions of Judge Gordon's school desegregation plan.

Unless community leaders take full advantage of their present opportunities to desegregate housing patterns through voluntary actions, it is likely that the community will continue its long term trend toward increased housing segregation. Ignoring this opportunity for voluntary desegregation of housing also makes it more likely that remedies for housing segregation may be sought through court action, just as school desegregation was sought through court suit when pleas for voluntary desegregation efforts were ignored.

National news media reporters who gathered information about Louisville's school desegregation this fall have pointedly asked, "How could a community make such an impressive beginning of school desegregation in 1956, yet later develop the extensive school segregation which resulted in the 1975 desegregation plan?"

Surely, the clearest statistical answer is the greatly increased housing segregation which evolved between 1956 and 1975. In 1940 Louisville was among the one-third "least segregated" cities in the United States, but by 1970 it was ranked with the one-third "most segregated" cities, according to a report from the Council on Metropolitan Performance.

As housing segregation increased, the schools reflected this fact in their increasingly segregated enrollments. However, that pattern in the schools has now been reversed by Louisville's successful implementation of the new desegregation plan.

In recent years, Louisville blacks have also made modest but measurable gains in obtaining equal employment opportunities. However, housing segregation in Louisville has become progressively worse. Although laws prohibiting housing discrimination have been adopted during the past decade by local, state and federal governments, it has become obvious that these fair housing laws have been and will be inadequate to overcome all of the institutional practices which support housing segregation.

It is time for this community to redirect its attention and its energies to changing the many institutional policies which have served to increase and reinforce housing segregation. Such policies are to blame for the current situation, rather than Judge Gordon. But there is nothing to be gained by dwelling on past actions of these institutions and agencies which contributed to housing segregation and thereby increased

the need for student transportation. There are many changes which they can now make in housing practices which can lessen student travel in other school years. Only a broad community effort can achieve the results needed.

The Kentucky Commission on Human Rights calls on all housing-related institutions and agencies in the Louisville-Jefferson County community to reevaluate their policies and practices and to adopt new procedures that will reverse, rather than perpetuate, the current trend toward increased housing segregation.

Certain governmental bodies and community groups have a special responsibility.

1. OPPORTUNITY IN SECTION 8 HOUSING ASSISTANCE

The Section 8 Housing Assistance Programs of Louisville and Jefferson County provide the most immediate opportunity to accomplish housing desegregation. The city has approval for 500 units, and the county has approval for an additional 800 units. This new housing program, designed for people who might otherwise be residents of public housing, provides for Section 8 units to be located on a scattered site basis throughout the city and county.

A look at the pattern of segregation which already exists in the public housing projects of both the city and county clearly illustrates why strong affirmative action must be taken to see that Section 8 funds are not allowed to be used to reinforce this pattern. In five of the city projects, blacks

make up more than 98% of the tenants. Three other projects report 36.7, 65.7 and 87.2% black occupancy. In only three is the black occupancy rate less than 14%. All 81 family units in Jefferson County public housing are located in Newburg, and they are 93.8% black.

Even though many of the legal barriers to open housing have been removed by recent legislation, such instances of institutionalized segregation which continue to exist can only serve to reinforce the belief of many that it would be a wasted effort to attempt to secure housing outside their present segregated situation. Mere proclamations of equal housing opportunity under Section 8 will not be enough to overcome such psychological barriers which have been constantly reinforced by past governmental actions.

Rather, based on the segregation record and careful examination of fair housing laws and court cases, we conclude that a clear written policy should be adopted by both the city and county to insure that the desired result of desegregation is achieved. Beginning weeks ago when the Commission staff first learned that there were serious fair housing problems in both of the programs, numerous suggestions have been made and some have been adopted by the agencies. Most of the suggestions have not been adopted, and the basic policies most likely to perpetuate segregation have not been changed. For these reasons, we renew the following five specific recommendations as part of an Affirmative Action Plan for the Section 8 program:

a. The Louisville and the Jefferson County Housing Authorities should each adopt a written public policy saying essentially the following:

> IN VIEW OF THE SCHOOL DESEGREGATION PLAN, THE AUTHORITY BELIEVES IT WOULD BE A DISSERVICE FOR ANY OF THE SECTION 8 UNITS IN OUR ALLOCATION TO BE LOCATED AND OCCUPIED SO THAT THEY INCREASE THE NUMBER OF CHILDREN TO BE BUSED UNDER THE SCHOOL DESEGREGATION PLAN. WE WILL EXERCISE THE FULL EXTENT OF EVERY LAWFUL MEANS WE HAVE CONSISTENT WITH THE STATUTES AND REGULATIONS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND FEDERAL AND STATE FAIR HOUSING LAWS TO ENCOURAGE HOUSING DESEGREGATION RATHER THAN SEGREGATION. TO OBTAIN THESE OBJECTIVES WE REQUEST THE HUD ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY TO ADVISE US OF EVERY FEASIBLE STEP WE CAN TAKE TO ACHIEVE DESEGREGATION IN THE SECTION 8 PROGRAM.

Adoption of such a policy statement by the two authorities would tell the tenant applicants, the landlords and the community of the authorities' intentions. The agencies could proceed with those affirmative desegregation steps which are obviously authorized under the statutes and case law, and they could obtain legal interpretations from HUD about those other actions which are questioned.

b. Both governmental units should adopt a policy of giving preference to applicants for Section 8 housing who will make "desegregated" moves. To anyone who might object to such a policy on the basis that it interferes with the applicant's "freedom of choice," we point out that the overwhelming majority of blacks in this area have never, in any sense of the word, been "free" to choose where they will live.

For the city and county to say they are now "color blind" in administering the Section 8 program, after having previously engaged in such extensive segregation, would be to ignore their responsibility to rectify the effects of past injustices which, if left uncorrected, will only further perpetuate segregation in this community. Such measures are legally supported by cases which held that, where segregation exists, as in both Louisville and Jefferson County public housing, the remedy can include a preference for those who would overcome this segregation. Since Section 8 units are available in many sections of the community, such a policy would provide an incentive for tenants to select units which would result in housing desegregation and would, in turn, foster school desegregation without increased transportation.

c. Neither the county nor the city should approve any Section 8 units in existing apartment buildings located in areas with a high concentration of minority group residents. The extensive segregation of family public housing units in the city and the Newburg area of the county easily justifies the declaration of a moratorium on further housing segregation by

both governmental units. The new Section 8 program was not conceived to promote housing segregation and must not be used as a vehicle to this end.

It is extremely relevant to note that Federal District Judge S. Hugh Dillin of Indianapolis has enjoined the Indianapolis Housing Authority from renovating or building any more public housing in the city of Indianapolis. In so doing, the judge pointed out that past actions of the Indianapolis Housing Authority had been a major influence in keeping black students in the city schools, while at the same time keeping the suburban school systems virtually all white. His action, like that in many other federal courts, was designed to halt the practice of adding more public housing in racially-impacted areas, because the result would be to require more transportation of students to overcome extensive school segregation. Such legal action should not be necessary with regard to Jefferson County if local authorities and area HUD officials take care to ensure that this area's 1300 new units will be located in such a way as to reduce, rather than increase, the number of students who are to be transported for school desegregation.

d. The two local housing authorities should proceed toward combining their Section 8 programs. Separate offices and procedures are bound to convey the message to applicant families that city families should stay in the city, and county applicants should stay in the county. This will reinforce and perpetuate current housing segregation. An unjustifiable barrier is presented so long as a family needing housing must

obtain separate certifications, one for the city at 8th and Walnut, and a second for the county in the old Louisville Trust Building at 5th and Market, in order to have access to all their Section 8 housing opportunities. If it is impossible to legally combine these programs at this time, they should at least be located side-by-side for the convenience of the applicants and the housing owners until they can be joined by the time of the next round of HUD approvals and funding. As the entire county is presently served by a single school system and single park, sewer, water, social services, and planning and zoning agencies, it is inconsistent to believe that the maintenance of two separate Section 8 programs which create artificial barriers to equal housing, rather than bridging them, is necessary or desirable.

e. The county plan as presented provides that 40 of its housing units be available for city residents, and the city plan provides that 40 of its city units be available for county residents. This is a patently inadequate remedy for the current situation in which the county is overwhelmingly white and the city is increasingly black. This situation has been described as "the White noose," and such numerical quotas only serve to tighten that "noose." Restrictions on the movement of black people from the city to the county should be removed, and those restrictions in the plans should be dropped forthwith, to be replaced with a statement that all policies or procedural barriers which restrict the free movement of people between the city and county will be eliminated, and that a preference will be given to applicants who will make moves which will promote desegregation.

2. FAIR SHARE PLAN NEEDED

This community needs a "yardstick," or measuring standard, to use in the location of new housing. Much of the publicly-assisted housing built in recent years has been located in sections of town where it further increased housing segregation and thereby increased school segregation. A few years ago, local planners, including the Louisville-Jefferson County Planning Commission and the Falls of the Ohio Metropolican Council of Governments, Inc., began work on a FAIR SHARE PLAN for housing planning. Such a plan has proved useful in the area around Dayton, Ohio. Although such plans may have their limitations, they are far better than no plan at all, which, unfortunately, represents the current standard in this community.

The Commission requests the Louisville-Jefferson County Planning Commission and the Kentuckiana Regional Planning and Development Agency to rededicate themselves to the development of such a set of principles for Louisville and Jefferson County. There is an urgent need for such guidelines, and there is no reason why their development for this county should await the development of a plan for location of housing in each county of the region. Both of the local planning agencies ought to make a specific allocation of their resources and personnel to the promotion of housing desegregation in this area.

It must be noted that both of these agencies are required, under federal regulations, to include a component for promoting fair housing in their work program. However, neither agency has ever adequately incorporated such a component yet; both have

obtained approval by the Housing and Urban Development office located in Louisville despite that omission.

3. HUD LEADERSHIP NEEDED

The Commission urges the Department of Housing and Urban Development and the Kentucky Area office in Louisville to exercise its full authority and influence to promote housing desegregation in all of the programs it approves within Jefferson County. It is unfair to the people of this community to allow HUD to support different forms of housing which are segregated, while other branches of the federal government require desegregation of schools.

The HUD area office should carefully review every application for federal assistance for new housing to ensure that it will not be located in areas where it will promote segregation. HUD cannot justify its sanction of segregation by site selection. Instead, the HUD office should use its influence to persuade builders and developers to locate housing where it will most effectively promote housing desegregation.

The HUD area office should exercise its full influence to combine the separate Section 8 programs for Louisville and Jefferson County at the earliest possible time. No further HUD funds should be approved for separate programs because they lend themselves to perpetuating separate and segregated housing markets for the city and areas of the county outside the city.

HUD should not approve any further funding for the local planning agencies unless, and until, they accept their proper leadership role in the effort to desegregate housing. HUD's allocation to the Louisville-Jefferson County Planning Commission for the July 1975-June 1976 fiscal year is $125,000, and the Kentuckiana Regional Planning and Development Agency is slated to receive HUD funds in excess of $370,000 for this same period. For that half million dollars HUD should require more positive fair housing leadership.

4. RESPONSIBILITY OF HOUSING LENDERS

The Commission on Human Rights calls on all lending institutions which are involved in the housing industry to examine all their lending practices to ensure that they are not contributing to housing segregation. A recent national survey by the Federal Home Loan Bank Board showed that out of 54,000 loan applications in five cities, loan applications by whites were accepted 85% of the time, while lenders approved loans to blacks in 77% of the cases and rejected 18%. We are concerned that the findings of this report suggest that such a pattern of discriminatory lending practices may exist in Jefferson County as well.

Reports to this Commission over a long period of time have indicated that it is easier for blacks to obtain home loans in the western section of Louisville and in Newburg than it is in predominantly white areas. Local lenders need not wait for a local survey to prove that the national situation applies here.

rather they should begin immediately to examine every aspect of their procedures to ensure that blacks can obtain housing loans without discrimination for housing in all sections of this county.

5. KENTUCKY HOUSING CORPORATION POLICY

With its bonding authority of $200 million dollars, the Kentucky Housing Corporation is a potentially strong source of Affirmative Action toward housing desegregation in this community. However, we were disappointed to learn that the KHC had purchased mortgages for two housing projects at separate sites in Jefferson County, both of which are in heavily segregated neighborhoods. Such an action is not in keeping with the high purposes for which the KHC was created. After decades of HUD-administered federal aid to segregation in housing, we were distressed at the thought of state aid also contributing to segregation.

We are pleased to note, however, that in February 1975, the KHC adopted a policy which strongly commits them to a goal of encouraging desegregated housing opportunities. It is our hope that this policy will be implemented in such a way as to ensure that they will not finance any loans whatsoever in Jefferson County that would have the effect of increasing the number of children to be bused under the school desegregation plan.

6. SUPPORT OF BUSINESS AND INDUSTRY ESSENTIAL

The Louisville Chamber of Commerce and other business leadership should apply the same outstanding talent and resources to promoting housing desegregation as they have recently to promoting law and order as the schools were desegregated. Louisville's business community has a vital interest in housing desegregation, which it may not, as yet, have recognized. Any one who examines the problem of downtown abandonment in major cities throughout this country can only conclude that the crisis in the inner city is a direct result of segregation. Too many cities have, in one way or another, confined blacks to their core, allowed the inner-city to deteriorate from neglect, and then pumped public and private funds into last-minute efforts to save downtown businesses.

There is still time to save downtown Louisville if business and community leaders will recognize that their interest is intimately tied in with county-wide desegregation. Business and government have contributed to the problem by using the urban renewal program to rebuild segregated housing just west of downtown. Clearly, no more such housing should be so located. But this is not enough. Alternative housing must be provided throughout the county at the same time increased efforts are made to attract more people back to the downtown area to new and renovated housing on a desegregated basis.

Industry, as well as business, should also be aware of its responsibility in this area. Since lack of access to suitable housing inhibits recruitment efforts and employment of

qualified minorities by firms which have located in predominantly white suburban areas, we call upon all such industries to exert their considerable community influence in support of fair housing practices in their respective areas. Those companies which provide a service of securing housing for employees recently transferred to this area could extend this same service to present and future minority employees who reside in heavily segregated areas in Jefferson County. Such action would serve to provide a great number of black employees with the opportunity to live near their place of employment, a right which has always been enjoyed by their white counterparts. It would also provide a much-needed boost to the Affirmative Action programs of many firms whose major stumbling block in minority hiring has been the low percentage of blacks living within easy access to the company.

7. UNIFORM REAL ESTATE PROCEDURES NEEDED

The Commission urges all real estate professionals in Jefferson County to provide strong leadership in developing an open housing market. Progress has been made in the offering of more expensive homes in eastern Jefferson County to black homeseekers, but much remains to be done in other portions of the market and other sections of the community.

We ask the Louisville Board of Realtors to adopt a written uniform set of procedures which will be followed by all their members and all responsible real estate practitioners in this area to ensure that a uniform procedure is followed in

dealing with every client and that no difference whatsoever is made in handling applications because of race, color, religion or national origin.

Similar uniform standards have been adopted by the real estate profession in other areas, notably Pennsylvania, San Diego and Dallas. The adoption of such uniform procedures will reassure black housing seekers that they are being treated fairly and will serve to protect real estate practitioners from charges of discrimination.

We ask the Louisville Board of Realtors, the Kentucky Real Estate Commission and the Real Estate profession generally to provide vigorous new leadership to ensure that no real estate licensee does anything to encourage white families to move from their neighborhood as black families move in. From several sections of this community we have received undocumented reports that real estate licensees work door-to-door after black families move in, asking whites if they might like to list their house for sale, and making subtle or not-so-subtle references to having sold a house in that neighborhood to a black family. Such practices are a violation of the Kentucky Fair Housing Law. They are, likewise, a violation of the standards of the Board of Realtors and the statutes and regulations of the State Real Estate Commission.

8. CITIZEN SUPPORT

The Commission calls on a wide-range of citizen groups to rededicate themselves to support fair housing and to welcome new residents to their neighborhood. The possibilities for effective action are wide open to many diverse groups, including churches, neighborhood associations, PTAs and others. Certainly, the people of good will who have repeatedly said that they are opposed to busing as a method of achieving school desegregation could turn their enormous energy to day-to-day work in behalf of housing desegregation, which would have the effect of reducing the number of students to be bused. The provisions of the Jefferson County desegregation plan make such citizen efforts effective in reducing transportation of students. Every time a black family with children moves into a predominantly white school attendance district, it increases the likelihood that the school will contain the number of black students which should exempt it from transportation in future years. Black families attending schools in white neighborhoods should be invited to consider moving closer to that school, since desegregated housing patterns in all neighborhoods will result in school desegregation without busing.

Some community groups are already organizing to welcome blacks to their neighborhoods. For example, the Eastern Area Council has prepared a leaflet welcoming new residents to Eastern Jefferson County. This leaflet is being distributed widely through churches and neighborhood groups and points out that this area offers a variety of opportunities in housing, employment, excellent schools and recreational facilities.

Every step that is taken to lessen housing discrimination can reduce the necessity for busing under the school desegregation order. Some of the schools in the eastern area have black enrollments which are close to the percentage which could exempt them from future busing. For example, Middletown Elementary School, which already has an enrollment of 9% black, could be later exempted from busing under the school desegregation plan if its black enrollment were increased to 12½%. This goal could be attained by the addition of only twenty-five (25) new black students in the attendance area. Another borderline school, Fern Creek High, could be exempted with forty (40) additional black students in the attendance zone.

9. VOLUNTARY COOPERATION PREFERABLE TO COURT ACTION

Although many of the necessary steps in this fair housing plan can be compelled through court action, the Commission hopes this will not be necessary and urges all Jefferson County governmental units and housing institutions to participate voluntarily in this plan. Suits to compel housing desegregation have been all too common against local housing authorities, HUD area offices, planning and zoning agencies, lending institutions, realty boards, builders and developers and the owners of housing. Those who abhor the legal action by local civil rights groups to achieve school desegregation should be reminded that this community had ample opportunity between 1956 and 1972 to move forward with school desegregation on a voluntary basis and did not do so. Many groups urged voluntary action, and this

commission itself requested development of voluntary school desegregation plans in 1971 and in March 1972, well before the merger and desegregation suits were filed in June of 1972.

Likewise, housing segregation is not a new problem which is just surfacing. It should be recalled that this commission in December 1973 issued a report entitled "More Housing Segregation Than Ever... In Louisville and Jefferson County," which made twelve recommendations to voluntarily lessen housing discrimination. This was followed in November 1974 by another report entitled, "Louisville Still Among Most Segregated Cities," which provided information regarding Louisville from a report by the Council on Municipal Performance.

While local civil rights groups finally found it necessary to bring the school desegregation issue into the courts, it is the Commission's continuing hope that housing desegregation can be accomplished in this community through the voluntary cooperation of all concerned, thereby avoiding a court suit.

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